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09/925,872

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12/05/2003

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EXAMINER

TSAl, CAROL S W

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/925,872

Applicant(s)

WYBOUW-COGNARD, LUCILE

Examiner

Carol S Tsai

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-10 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

### DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 5,905,856 to Ottensooser.

With respect to claims 1-3, and 9, Ottensooser discloses a test automation framework for testing software applications including: a memory for storing at least one test scenario including a test application, at least one input and an expected output (see col. 3, lines 1-10 and lines 48-54 and col. 11, lines 55-61); selection means for selecting a test application according to the contents of memory storing at least one test scenario including a test application (see col. 3, line 11 to col. 4, line 13 and col. 5, lines 7-62); prepare means for operating a predetermined prepare process for building the test application according to the results of the input selection means and storing a log file (see col. 2, lines 21-39 and col. 13, lines 12-46); run means for operating a predetermined run process for running the test application according to the results of the input selection means and for storing a log file (see col. 5, lines 26-50 and col. 6, line 55 to col. 7, line 25); verify means for operating a verify process for verifying the results of the test application

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according to the results of the input selection means and for storing a log file and means for outputting a report of the tests which can include at least extracts of the preparation log file, the run log file and the verify log file if an error occurred (see col. 2, lines 28-44; col. 3, lines 17-44; col. 5, lines 26-42; col. 7, lines 53-64; and col. 12, lines 30-62).

Ottensooser does not disclose expressly an input selection means for selecting one or more test scenarios and, for each selected test scenario, selecting how to prepare, run and verify a test application and a selection memory for storing the results of the input selection means, but it is considered inherent, because test scripts designed by a software programmer in either a Korn Shell or a C Shell format that include control flow statements, such as IF, ELSE, and ELSEIF, to provide general decision-making capabilities, are known to be very common, necessary, and required steps for a software programmer to code in order that the order in which computations or operations can be specifically selected for performing.

As to claim 4, Ottensooser also discloses means for performing a sanity check on the results of the input selection means and, in the case of an error, aborting in all tests and reporting an error (see col. 12, lines 30-34).

As to claim 5, Ottensooser also discloses means for preparing exit status codes from the prepare process and the run process prior to performing respectively the run process and verify process and for abandoning the respective test when the exit status codes are not OK, wherein the report of the tests can include at least extracts from the log files where the exit status codes were not OK (see col. 5, lines 26-37 and col. 12, lines 30-34).

As to claim 10, Ottensooser also discloses a computer readable storage medium having

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recorded thereon code components that, when loaded on a computer and executed, will cause that computer to operate (see col. 3, lines 11-16 and col. 3, line 55 to col. 4, line 19; and col. 5, lines 6-10).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ottensooser in view of U. S. Patent No. 5,742,754 to Tse.

As noted above, Ottensooser discloses the claimed invention, except for a mailer for sending the results of the tests to one or more preselected users.

Tse teaches a mailer for sending the results of the tests to one or more preselected users (see col. 5, lines 50-60).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ottensooser's test automation framework to include a mailer for sending the results of the tests to one or more preselected users, as taught by Tse, in order that many test engineers or personnel can exchange or process test data between workstations (see Tse col. 2, lines 43-45).

*Allowable Subject Matter*

6. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

7. Applicant's arguments filed 10/27/2003 have been fully considered but they are not persuasive.

Applicant argues that Ottensooser do not disclose storing the test application with inputs and expected outputs together as a test scenario. The Examiner disagrees with Applicant. As set forth above, Ottensooser does disclose storing the test application with inputs and expected outputs together as a test scenario (see col. 3, lines 1-10 and lines 48-54 and col. 11, lines 55-61; second memory means to store one or more test plans each invoking a sequence of said test scripts and including associated parameter inputs for the test scripts and an expected output of the transaction or function of each test script).

Applicant argues that Ottensooser does not include an input selection element or a selection memory, that it is difficult to see how it discloses or suggests an element for selecting a test application (system under test 10) according to the contents of a selection memory, that indeed, Ottensooser does not appear to disclose or suggest any element for selecting a system under test 10. The Examiner disagrees with Applicant. As set forth above, Ottensooser discloses selection means for selecting a test application according to the contents of the memory storing at least one test scenario including a test application (see col. 3, line 11 to col. 4, line 13 and col.

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5, lines 7-62; wherein said test plan invokes a sequence of test scripts selected from a set of test scripts each able, when input to the software system via a software testing interface program, to prompt performance of a transaction or function for which the software system is designed).

Applicant argues that there is no suggestion of exit status codes for abandoning the test when the exit status codes are not OK. The Examiner disagrees with Applicant. As set forth above, Ottensooser does disclose exit status codes for abandoning the test when the exit status code is not OK (see col. 5, lines 26-37 and col. 12, lines 30-34; After each call to a Trust Script procedure, the return status is checked for success/failure. If either the maximum total allowable errors is reached or the maximum allowable consecutive errors is reached, the Interpreter stops execution).

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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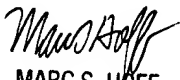
***Contact Information***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. Tsai whose telephone number is (703) 305-0851. The examiner can normally be reached on Monday-Friday from 7:30 AM to 4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (703) 308-1677. The fax number for TC 2800 is (703) 308-7382. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2800 receptionist whose telephone number is (703) 308-1782.

In order to reduce pendency and avoid potential delays, Group 2800 is encouraging FAXing of responses to Office actions directly into the Group at (703) 308-7382. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2800 will be promptly forwarded to the examiner.

Carol S. W. Tsai

11/30/03

  
MARC S. HOFF  
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